SCHEDULE.

(*See section 21.*)

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI of 1879.	Bombay Port Trust Act.	Section 9 to, and including, the words "in every other case." Section 10 to, and including, the words "in every other case." Section 21 the words from "until a schedule" to "foregoing provisions." Section 57.
Bombay Act III of 1883.	Bombay Port Trust, amending Bombay Act VI of 1879.	Section 5.

BOMBAY ACT No. II OF 1899.[1]

[*7th June, 1899.*]

An Act to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food; It is enacted as follows :—

PRELIMINARY.

Short title

1. (*1*) This Act may be cited as the Bombay Prevention of Adulteration Act, 1899.

Extent.

(2) This Act extends to the whole of the Presidency of Bombay, but it shall not come into force except as in this section provided.

[1] For the Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Pt V, p. 225; for Reports of Select Committee, *see ibid*, p. 302, and *ibid*, 1899, p. 1; and for Proceedings in Council, *see ibid*, p. 400, and *ibid*, 1899, pp. 13, 42 and 64.

(*3*) This section and section 6 shall come into force at once throughout the extent of this Act.

(*4*) The other sections of this Act shall come into force, subject to the provisions of sub-section (*5*), Commencement.

(*a*) in the City of Bombay at once, and

[1](*b*) in each municipal district elsewhere in respect of which the Governor in Council at any time so directs by notification, from such date which shall not be less than one month from the date of the notification, as he prescribes therein in this behalf.

(*5*) (*a*) Nothing contained in any section coming into force under sub-section (*4*) shall apply— Provisions restricting the application of certain sections.

(*i*) in the City of Bombay, in the first instance, to any food other than ghee,

(*ii*)[2] in any municipal district, to any food which is not of a kind to which the provisions contained in such section are, by a notification under this section, for the time being made applicable in such district.

(*b*) But each of the said sections and of the amendments therein contained, in respect of which the Governor in Council at any time so directs by notification, shall in the City of Bombay or in any municipal district mentioned in such notification, apply to food of all kinds, or to food of any kind therein specified, from such date, which shall not be less than one month from the date of such notification, as shall be prescribed therein in this behalf.

(*c*) The Governor in Council may at any time cancel or vary, but not otherwise than in accordance with the provisions of this section, any notification made thereunder.

(*d*) No proceedings shall at any time be instituted under section 3, without the order or consent in writing,— No proceedings to be instituted without leave of Commissioner or President or Vice-President of Municipality.

(*i*) in the City of Bombay, of the Commissioner, or

(*ii*) in a municipal district, of the President or the Vice-President of the Municipality.

(*e*) In all prosecutions under section 3 or section 4, the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence Summons when to be applied for

[1] Sections 2, 3 and 4 came into force within the Municipal Districts of Karachi, Hyderabad and Bandra and Kurla with effect from the 15th August, 1901, *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675, and *see* also addenda on p. ccxcvi of the list prefixed to the Bombay Local Rules and Orders, Ed. 1898, Vol. II.

[2] For notification restricting the application of the provisions of this Act to ghee within the Municipal Districts of Karachi, Hyderabad, Bandra and Kurla, *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675.

and what it is to contain.

against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused, and if such prosecution relates to a perishable article purchased from such person for the purpose of analysis, the application for such summons shall be refused unless it is made within twenty-eight days from the date of the purchase of such article, and particulars of the offence or offences against this Act of which such person is accused, and the name of the prosecutor, shall be stated in the summons, and the day fixed for the hearing of the case shall not be less than seven days from the day on which the summons is served upon such person.

Meaning of "food", where its application is not restricted.

(*6*) In this section and in the amendments contained in section 6, the term "food" does not include drugs or water, but includes every other article which is used for food or drink by man.

Act to be read with Municipal Acts in force.

2. [1]Subject to the provisions of section 1, this Act shall, in so far as it affects the City of Bombay, be read with, and construed as if it were part of, the [2]City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with, and construed as if it were part of, the [3][Bombay [4]District Municipal Act, 1901]. Bom. III of 1888. Bom. III of 1901.

PROVISIONS WHICH RELATE TO THE SALE OF FOOD, AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Punishment for selling human food not of the proper nature, substance or quality.

3. [1](*1*) Whoever sells to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punished for the first offence with fine which may extend to one hundred rupees, and for a second or any subsequent offence with fine which may extend to five hundred rupees.

Protection to persons acting in good faith.

(*2*) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say,—

(*a*) where any matter or ingredient not injurious to health has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof;

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1 *See* footnote to s. 1 (*4*) (*b*). *supra*, p. 1503.

2 Vol. III of this Code, p. 975.

3 These words and figures were substituted for the words and figures "Bombay District Municipal Acts, 1873 and 1884," by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902), *infra*. p. 1644.

4 *See infra*, p. 1527.

(*b*) where in the process of production, preparation or conveyance of such article of food some extraneous substance has unavoidably become intermixed therewith;

(*c*) where any matter or ingredient not injurious to health has been added to or mixed with such article of food and, before the sale thereof, the seller has brought to the notice of the purchaser, either by means of a label distinctly and legibly written or printed on or with the article or otherwise, the fact that such matter or ingredient has been so added or mixed.

Explanation.—If in compliance with a demand for ghee any article is supplied which contains any substance not exclusively derived from milk, such article shall be deemed to have been sold to the prejudice of the purchaser within the meaning of sub-section (*1*), unless before the sale thereof the seller has brought to the notice of the purchaser the fact that it contains such substance.

What is or is not a good defence in prosecutions under this section.

(*3*) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser having bought only for analysis was not prejudiced by the sale:

Provided that the vendor shall not be deemed to have committed an offence under this section, if he proves to the satisfaction of the Court—

(*a*) that the article sold was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warranty to the effect that it was of such nature, substance and quality;

(*b*) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid; and

(*c*) that he sold it in the same state in which he purchased it.

Persons refusing to sell any article to proper authority liable to penalty.

4. [1](*1*) If in the City of Bombay the Commissioner or any officer empowered by him in that behalf, or elsewhere the officer authorized by the Municipality for the purposes of [2][section 142 of the [3]Bombay District Municipal Act, 1901], shall apply to purchase any article of food exposed for sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Bom. III of 1901.

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1 *See* footnote to s. 1 (*4*) (*b*), *supra*, p. 1503.

2 'These words and figures were substituted for the words and figures "section 68 of the Bombay District Municipal Act, 1873," by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902), *infra*, p. 1644.

3 *Infra*, p. 1527.

(Provisions which relate to exposure for sale, etc., and which may by notification be made applicable to any food. Sec. 5.)

Provisions for identifying sample purchased.

(2) The Commissioner or officer empowered as aforesaid in the City of Bombay, and elsewhere the officer authorized by the Municipality as aforesaid, on purchasing any article under this section for the purposes of analysis, shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the Chemical Analyser to Government, and shall offer to divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the Chemical Analyser to Government.

(3) If the seller or his agent do not accept the offer of the purchaser as aforesaid to divide the article purchased in his presence, the Chemical Analyser to Government receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he supplies his certificate, to be delivered to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

PROVISIONS WHICH RELATE TO EXPOSURE FOR SALE, ETC., AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Addition to section 415 of the City of Bombay Municipal Act, 1888.

5. (1) In the City of Bombay Municipal Act, 1888,— Bom. III of 1888.

(a) to section 415 there shall be added the following, namely :

[Vol. III of this Code, p. 1153.]

Addition of section to section 417 of the City of Bombay Municipal Act, 1888.

(b) After section 417 thereof, there shall be inserted the following new section, namely :

[Vol. III of this Code, p. 1153.]

(2) [*Addition of section to section 68 of the Bombay District Municipal Act, 1873.*] *Rep. Bom. Act 3 of 1901, s. 2 (2).*

Amendments in the Bombay City Municipal Act, 1888, and in the Bombay District Municipal Act, 1873.

[1][(2)] The proviso hereinafter contained shall be added as sub-section (2) [1]*to section 417A of the City of Bombay Municipal Act, 1888, as amended by sub-section (1) of this section. Bom. III of 1888.

[1]*

(b) *Rep. Bom. Act 3 of 1901, s. 2 (2).*

[1] The figure (2) was substituted for the figure " 3 ", and the letter " (a) " and the word " and " were repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902), *infra*, p. 1642.

PROVISIONS WHICH COME INTO FORCE AT ONCE AND ARE NOT RESTRICTED IN THEIR APPLICATION.

Bom. III of 1888.

6. * [1] In the City of Bombay Municipal Act, 1888,—

(*a*) in sub-section (*2*) of section 417, for the words "he shall cause" there shall be substituted the following, namely:

[Vol. III of this Code, p. 1153.]

(*b*) after section 417A of the said Act as amended by sub section (*1*) and sub-section (*3*) of section 5 of this Act, there shal be inserted the following new sections, namely:

[Vol. III of this Code, pp. 1154 & 1155.]

New section to be inserted after section 417A in the City of Bombay Municipal Act.

(*2*) [*Amendment of section 68 of the Bombay District Municipal Act, 1873.*] *Rep. Bom. Act 3 of 1901, s. 2 (2).*

BOMBAY ACT No. III OF 1899.[2]

[Amended Bom. Act I of 1908, *infra*, p. .]

[*11th November, 1899.*

An Act to provide for the grant of Special Occupancies in certain Government lands in Sind.

WHEREAS it is expedient to provide for the grant by the Government of special occupancies in certain lands in the Province of Sind within the Presidency of Bombay which are the property of the Government and are wholly or partly irrigable from Government canals; It is hereby enacted as follows:—

Short title. 1. (*1*) This Act may be called the Government Occupants (Sind) Act, 1899.

Extent. (*2*) It extends to the Province of Sind, being part of the territories for the time being administered by the Governor of Bombay in Council.

Commencement. (*3*) It shall come into force at once.

Definition. 2. [3] In this Act, unless there is something repugnant in the subject or context, "Collector" includes also any officer appointed by the Local Government to perform all or any of the functions of the Collector under this Act. And the Local Government may delegate to any officer so appointed all or any

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[1] The figure (1) was repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902), *infra*, p. 1644.

[2] For the Statement of Objects and Reasons, *see* Bombay Government Gazette, 1899, Pt. V, p. 69; and for Proceedings in Council, *see ibid*, p. 214.
For amending Act, *see* Government Occupants (Sind) Amendment Act, 1908 (Bom. Act I of 1908) which was added while this Volume was p ssing through Press, *infra*, p. .

[3] For list of notifications issued under these sections, *see* addenda to p. ccxcvi of the list prefixed to the Bombay Local Rules and Orders, Ed. 1898, Vol. II.